

REMARKS /ARGUMENTS

This is a reply to the Office Action mailed on January 20, 2010. Applicant respectfully requests reconsideration of the outstanding rejections in view of the following remarks and arguments.

Applicant is the Assignee of the present application and is prosecuting the present application under 37 C.F.R. § 3.71. A statement under 37 C.F.R. § 3.73(b) is submitted herewith.

I. Status of claims

Claims 18 – 84 are currently pending in this application. Claim 18 is withdrawn from consideration. Claim 19 – 84 stand rejected.

II. Priority / Specification

In the Office Action, the Examiner states that while the application includes a reference to U.S. Patent Application No. 08/787,979, filed on January 22, 1997 (the “’979 application”), the present application cannot be afforded priority to the ‘979 application, since the application does not have at least one common inventor with the ‘979 application.

Concurrent with this reply, a petition to correct the inventorship of this application is being submitted. The corrected inventorship includes Mr. David William Roth, a named inventor in the ‘979 application.

III. Claim Rejections**A. Rejection under 35 U.S.C. § 102(b) and 103(a) over Yager**

The Examiner rejected all of the pending claims under 35 U.S.C. § 102(b) and/or § 103(a) as being unpatentable over Yager.

This application is entitled to the benefit of the filing date of the '979 application. Further, each of the pending claims is supported by the specification of the '979 application in the manner set forth in 35 U.S.C. § 112, ¶1. Accordingly, the Yager publication, dated December 1997, cannot be considered prior art.

IV. Related Applications

The present application is related to application nos. 10/655,549, 09/216,206, 11/675,429, 11/933,122, 11/933,080 and 11/926,939. Applicant trusts that the Examiner will review, to the extent deemed necessary, the contents of the file wrappers for these applications to determine the applicability of their contents to the present application, including the rejections and office actions.

CONCLUSION

In view of the foregoing remarks and arguments, reconsideration of the outstanding rejections is respectfully requested. Should an interview be helpful in advancing the application, Applicant respectfully requests that the Examiner contact the undersigned to schedule an interview.

Dated: July 20, 2011

Respectfully submitted,
BEH Investments LLC *

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* A statement pursuant to 3.73(b) is attached.